



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 5, 2018

PWS #: 4600017

Certified Mail/Return Receipt
7017 1450 0000 9421 5585

Larry Ostrom, Manager
R.R. Lewis Small Water Company
4500 E. Fremont Street
Stockton, CA 95215

TRANSMITTAL OF CITATION NO. 01-02-18C-008

The State Water Resources Control Board (Board) Division of Drinking Water has issued the R.R. Lewis Small Water Company a citation, which is enclosed.

Any person who is aggrieved by an order or decision issued by the deputy director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code Section 116625) or Article 9 (commencing with Health and Safety Code Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Board for reconsideration of the order or decision. The enclosed citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions, please contact me at (530) 224-4800.

Stephen W. Watson, P.E.
Lassen District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Bruce Burton, Assistant Deputy Director, Northern California Drinking Water Field Operations
Richard L. Hinrichs, Chief, Northern California Section
Rami Kahlon, California Public Utilities Commission

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | www.waterboards.ca.gov

1 Stockton, CA 95215) for the continued violation of Directive No. 2 in Compliance
2 Order No. 01-02-15R-007.

3
4 **APPLICABLE AUTHORITIES**

5 **Section 116650 of California Health and Safety Code provides:**

6 (a) If the State Board determines that a public water system is in violation of this
7 chapter or any regulation, permit, standard, citation, or order issued or adopted
8 thereunder, the State Board may issue a citation to the public water system. The
9 citation shall be served upon the public water system personally or by certified
10 mail. Service shall be deemed effective as of the date of personal service or the
11 date of receipt of the certified mail. If a person to whom a citation is directed
12 refuses to accept delivery of the certified mail, the date of service shall be
13 deemed to be the date of mailing.

14 (b) Each citation shall be in writing and shall describe the nature of the violation
15 or violations, including a reference to the statutory provision, standard, order,
16 citation, permit, or regulation alleged to have been violated.

17 (c) A citation may specify a date for elimination or correction of the condition
18 constituting the violation.

19 (d) A citation may include the assessment of a penalty as specified in subdivision
20 (e).

21 (e) The State Board may assess a penalty in an amount not to exceed one
22 thousand dollars (\$1,000) per day for each day that a violation occurred, and for
23 each day that a violation continues to occur. A separate penalty may be
24 assessed for each violation.

Section 116701 of California Health and Safety Code provides:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.



1 (e) The state board, upon notice and hearing, if a hearing is held, may stay in
2 whole or in part the effect of the order or decision of the deputy director.

3 (f) If an order of the deputy director is subject to reconsideration under this
4 section, the filing of a petition for reconsideration is an administrative remedy
5 that must be exhausted before filing a petition for writ of mandate under
6 Section 116625 or 116700.

7
8 **Directive No. 2 of Compliance Order No. 01-02-15R-007 required:**

9 2. On or before **November 1, 2015**, the Company shall provide continuous,
10 reliable chlorination of the Wixson Spring water supply.

11
12 **Directive No. 1 of Citation No. 01-02-16C-010 required:**

13 1. Comply with Directive No. 2 of Compliance Order No. 01-02-15R-007 by
14 no later than **July 1, 2017**. To demonstrate compliance with this directive the Company
15 must submit to the Division a copy of the final approval from Sierra County for the
16 constructed chlorination system; evidence of compliance with CEQA requirements;
17 written verification that the chlorination system is operational and capable of feeding a
18 chlorine dosage of up to 2.0 milligrams per liter; and receive confirmation in writing from
19 the Division that such chlorination system can be permitted for operation as
20 constructed.

21
22 **Directive No. 5 of Citation No. 01-02-16C-010 required:**

23 5. If the Board does not suspend the requirement to pay the Additional
24 Penalties after July 1, 2017, the Company shall submit to the Board by a check in the
25 amount equaling \$100 for each day that the Company's failure to comply with Directive
26 No. 2 of Compliance Order No. 01-02-15R-007 occurred after the date of issuance of
27 the Citation (collectively "Additional Penalties"). The citation number shall be written on

1 the check. The check shall be made payable to the **State Water Resources Control**
2 **Board – Safe Drinking Water Account** and mailed to the Board along with
3 Attachment 'C' entitled "Notice of Citation Issuance – Additional Penalties."
4

5 **STATEMENT OF FACTS**

6 The Company has constructed the chlorination facilities required under Directive 2 of
7 Compliance Order No. 01-02-15R-007 on private property without written, legal
8 permission from the land owner. The Company has constructed the chlorination
9 facilities without complying with local land use ordinances, including, but not limited to, a
10 special use permit, a building permit, and CEQA clearances. Since the Company does
11 not have these local governmental approvals and has not followed CEQA requirements,
12 the Division cannot issue an amended permit for the operation of the chlorination
13 facilities. Therefore, chlorination facilities cannot be operated as constructed.
14

15 As of the issue date of this Citation, the Division has not received from the Company a
16 copy of the final approval from Sierra County for the constructed chlorination system.
17 As of the issue date of this Citation, the Division has not received evidence of
18 compliance with CEQA requirements.
19

20 Citation No. 01-02-16C-010 was issued on October 7, 2016. On October 4, 2017, the
21 Division issued an administrative penalty of \$35,800, in accordance with Directive 5 of
22 Citation No. 01-02-16C-010, for the period beginning October 7, 2016, and continuing
23 through September 30, 2017. As of the issue date of this Citation, the Division has
24 not received payment of this penalty.
25

26 On March 2, 2018, the Division issued an administrative penalty of \$9,200, in
27 accordance with Directive 5 of Citation No. 01-02-16C-010, for the period beginning

1 October 1, 2017, and continuing through December 31, 2017. As of the issue date of
2 this Citation, the Division has not received payment of this penalty.

3
4 **DETERMINATIONS**

5 As of the issue date of this Citation, the Company remains out of compliance with
6 Directive No. 2 of Compliance Order No. 01-02-15R-007 and Directive No. 1 of
7 Citation No. 01-02-16C-010.

8
9 **DIRECTIVES**

10 The Company is hereby directed to take the following actions:

- 11
- 12 1. For the period beginning January 1, 2018 and continuing through
13 March 31, 2018, the Company shall submit to the State Water Resources
14 Control Board, **by May 1, 2018**, a check in the amount equaling **\$9,000.00**.
15 The citation number shall be written on the check. The check shall be made
16 payable to the State Water Resources Control Board – Safe Drinking Water
17 Account and be mailed to the Board along with Attachment 'A' entitled "Notice
18 of Citation Issuance – Additional Penalties."
- 19
- 20 2. Complete and return Attachment 'B' entitled "Compliance Certification" to the
21 address listed below **by no later than May 10, 2018**.
- 22
23
24
25
26

1 All documents required by this Citation to be submitted to the Division shall be
2 submitted to the following address:

3
4 Stephen W. Watson, P. E.
5 Lassen District Engineer
6 State Water Resources Control Board
7 Division of Drinking Water
8 364 Knollcrest Drive, Suite 101
9 Redding, CA 96002
10

11 As used in this Citation, the date of issuance shall be the date of this Citation; and the
12 date of service shall be the date of service of this Citation, personal or by certified
13 mail, on the Water System
14

15 Nothing in this Citation relieves the Company of its obligation to meet the
16 requirements of Health and Safety Code, Division 104, Part 12, Chapter 4 (California
17 Safe Drinking Water Act), or any regulation, permit, standard or order issued or
18 adopted thereunder.
19

20 The Division reserves the right to make such modifications to this Citation, as it may
21 deem necessary to protect public health and safety. Such modifications may be
22 issued as amendments to this Citation and shall be effective upon issuance.
23

24 **PARTIES BOUND**

25 This Citation shall apply to and be binding upon the Company, its officers, directors,
26 shareholders, agents, employees, contractors, successors, and assignees.
27
28
29

SEVERABILITY

The Directives of this Citation are severable, and the Company shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Board to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or failed to comply with an order of the State Board; and to petition the superior court to take enforcement measures against a public water system that has failed to comply with an order of the State Board. The State Board does not waive any further enforcement action by issuance of this citation.

4/5/2018

Date

Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board

CERTIFIED MAIL 7017 1450 0000 9421 5585

Attachment A: Notice of Citation Issuance

Attachment B: Compliance Certification



STATE OF CALIFORNIA
Division of Drinking Water
State Water Resources Control Board

Notice of Citation Issuance – Additional Penalties

System Name: _____ R.R. Lewis Small Water Company _____

System Number: _____ 4600017 _____

Background Statement

During the month of April 2018, the Division of Drinking Water issued Citation Number 01-02-18C-008 to the R.R. Lewis Small Water Company. The citation assessed an administrative penalty in the amount of \$100 per day for each day the Company remains out of compliance. For the period between January 1, 2018 and March 31, 2018, a penalty of \$9,000.00 is due.

Method of Payment

A check for **\$9,000.00** and a copy of this form shall be submitted to the Division by **May 1, 2018**. The citation number shall be written on the check. The check shall be made payable to the **California Division of Drinking Water Safe Drinking Water Account** and submitted to:

SWRCB Accounting Office
Attn: Drinking Water Program
PO Box 1888
Sacramento, CA 95812-1888

Please attach check below:

COMPLIANCE CERTIFICATION

Citation Number: **01-02-18C-008**

Name of Water System: **R.R. Lewis Small Water Company**

System Number: **4600017**

As required by Section 116450 of the California Health and Safety Code, I certify that the R.R. Lewis Small Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$9,000 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 1	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN May 10, 2018.

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.